



## REGULAR CITY COUNCIL MEETING AND WORKSHOP AGENDA

**MAY 12, 2015**

**5:00 PM**

**CITY HALL COUNCIL CHAMBERS  
10 NORTH ROBINSON STREET**

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### **I. ROLL CALL AND CALL TO ORDER BY MAYOR @**

#### **City Council:**

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, Mayor Pro Tem
- ✓ Gayle White, SMD 2
- ✓ Dale Sturgeon, SMD 3
- ✓ John Warren, SMD 4

#### **Administration:**

- ✓ Dan O'Leary, Interim City Manager
- ✓ Rob Severance, Deputy City Manager
- ✓ Rod Hogan, Interim Asst City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Fritz Quast, City Attorney

#### **Division Directors:**

- ✓ Burton Barr, Community Services
- ✓ Courtney Coates, Public Works
- ✓ Marcie Freelen, Finance
- ✓ Clint Ishmael, Fire Services
- ✓ Amy Knoll, Police Services
- ✓ Debra Powledge, Human Resources

#### **Department Heads:**

- ✓ Jessica James, Economic Development
- ✓ Willie Resto, Information Technology

#### **Media:**

- ✓ Matt Smith, Times-Review

### **II. INVOCATION by Rev. Mark Ely, College Heights Baptist Church**

### **III. PLEDGE OF ALLEGIANCE**

### **IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

Retirement Recognition – Elroy Williams, 35 years, Cemetery Department

Proclamation – [Days of Remembrance](#), Memorial Day, May 25-31, 2015

Proclamation – [National Police Week](#), May 10-16, 2015

### **V. CITIZENS COMMENTS**

An opportunity for the public to make comments or address concerns not posted on the agenda. The City Council may take no action during this portion of the agenda. The Council may only ask clarifying questions or direct staff to take appropriate action. Each person will be allowed five minutes to comment on any particular subject. No more than two persons will be allowed to comment on any particular subject, one in favor and one against. All persons desiring to make comments under this section must sign a card prior to the council meeting identifying

themselves and the topic they desire to address.

# **VI. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL**

## **MINUTES**

### **M1.**

### **APPROVAL OF MINUTES FOR THE APRIL 28, 2015 REGULAR COUNCIL MEETING.**

#### **MOTION:**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly							Approved as presented
White							Approved as amended
Sturgeon							Denied
Warren							Withdrawn
Cain							Postponed until:
	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

## **RESOLUTIONS**

### **RS1. RS05-2015-**

### **A RESOLUTION AUTHORIZING AN ANNUAL GRINDING SERVICE CONTRACT WITH THELIN RECYCLING SERVICES.**

Person presenting this item: Courtney Coates, Public Works Director

BRIEF: One bid was received on April 28, 2015 for the annual grinding and screening services at the Transfer Station, from Thelin Recycling Services in the amount of \$50,750.

ATTACHMENTS: [Action](#), [Resolution](#), [Backup](#), [Presentation](#)

#### **MOTION:**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly							Approved as presented
White							Approved as amended
Sturgeon							Denied
Warren							Withdrawn
Cain							Postponed until:
	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly								Approved as presented
White								Approved as amended
Sturgeon								Denied
Warren								Withdrawn
Cain								Postponed until:
	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

[illegible]

Sturgeon							Denied
Warren							Withdrawn
Cain							Postponed until:
	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

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## ORDINANCES

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### \*CONTINUE PUBLIC HEARING\*

#### **OR1. OR05-2015-**

**AN ORDINANCE REZONING 0.4834 ACRES LOCATED AT 705 GRANBURY STREET, FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO CO (NON-RETAIL DISTRICT), AS REQUESTED BY DAN HUDGINS.**

Person presenting this item: Courtney Coates, Public Works Director

**BRIEF:** The purpose for this is to rezone to accommodate a customized massage & bodywork office. This item was postponed at the April 28, 2015 City Council meeting to the May 12<sup>th</sup> meeting and the applicant is prepared to have more information to present. The zoning for the surrounding property is SF-4 (Single-Family Dwelling District) and MF-4 (Multi-Family Housing District.). The Comprehensive Land Use Plan shows this area to be Center City North. The surrounding land use is Center City North. P&Z recommended approval of the rezone with a vote of 5-2, with Chairman Corder and Ms. Chandler voting against the motion.

ATTACHMENTS: [Action](#), [Ordinance](#), [Maps](#), [Minutes](#), [Pictures](#), [Presentation](#)

Speakers:

### \*CLOSE PUBLIC HEARING\*

#### **MOTION:**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly							Approved as presented
White							Approved as amended
Sturgeon							Denied
Warren							Withdrawn
Cain							Postponed until:
	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

#### **OR2. OR04-2015-**

**AN ORDINANCE AMENDING TITLE XV, LAND USAGE, CHAPTER 156 SIGNS, BY GRANTING A SIGN VARIANCE LOCATED AT 1440 KILPATRICK COURT, AS REQUESTED BY FAITH TEMPLE CHURCH, REPRESENTED BY SIGNS EXPRESS.**

Person presenting this item: Courtney Coates, Public Works Director

**BRIEF:** An application was submitted for an electronic sign but was denied as per Chapter 156: Appendix A, Table 1, which states that an electronic sign must face a US Highway or Freeway; also, that an electronic sign must be placed on a property that is zoned commercial or industrial.

ATTACHMENTS: [Action](#), [Ordinance](#), [Backup](#)

**MOTION:**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly							Approved as presented
White							Approved as amended
Sturgeon							Denied
Warren							Withdrawn
Cain							Postponed until:
	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

**OR3. OR05-2015-**  
**AN ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 120: ALCOHOLIC BEVERAGES, SECTION 120.05: HOURS OF SALE OF ALCOHOLIC BEVERAGES TO ALLOW FOR LATE HOURS.**

Person presenting this item: Dan O’Leary, Interim City Manager

**BRIEF:** A request has been received for the Council to consider amending the City’s Code allowing extended hours for the sale of mixed beverages. Before a business can obtain a Mixed Beverage Late Hours Permit and sell until 2:00am, a city must adopt extended hours in accordance with the Texas Alcoholic Beverage Code.

ATTACHMENTS: [Action](#), [Ordinance](#), [Request](#), [City Code](#), [TABC Code](#), [Presentation](#)

**MOTION:**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly							Approved as presented
White							Approved as amended
Sturgeon							Denied
Warren							Withdrawn
Cain							Postponed until:
	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

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**OTHER COUNCIL MATTERS**

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**OC1.****APPROVE STREET SIGN DESIGN FOR DOWNTOWN SQUARE AREA.**

Person presenting this item: Jessica James, Economic Development Manager

**BRIEF:** As the City moves forward with implementing the downtown master plan and revitalization efforts, new easier to read and more aesthetically pleasing signs will be used in the downtown area. This will help enhance the look of the downtown while also making it easier for drivers to see the street signs.

ATTACHMENTS: [Action](#)

**MOTION:**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly							Approved as presented
White							Approved as amended
Sturgeon							Denied
Warren							Withdrawn
Cain							Postponed until:
	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

**OC2.****APPOINTMENT TO THE TAX INCREMENT FINANCING DISTRICT #1 BOARD OF DIRECTORS.**

Person presenting this item: Jessica James, Economic Development Manager

**BRIEF:** This action is for Councilmember John Warren's reappointment to the TIF #1 Board as his term expired on 3/10/2015.

ATTACHMENTS: [Action](#)

**MOTION:**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly							Approved as presented
White							Approved as amended
Sturgeon							Denied
Warren							Withdrawn
Cain							Postponed until:
	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

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## WORKSHOP

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### I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss debit issuance with financial advisor, First Southwest – Marcie Freelen, Assistant Director of Finance [Action](#)
- B. Discuss administrative fees and charges filed for Code Enforcement and Building and Standards – Clint Ishmael, Director of Fire Services [Action](#)
- C. Discuss Code update component review presented by Mosaic Planning and Development Services – Courtney Coates, Public Works Director [Action](#)

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## EXECUTIVE SESSION

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Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting.**

The City Council went into Executive Session at p.m.

CALL TO ORDER: The Presiding Officer shall call the Executive Session to order as authorized by Vernon's Texas Codes Annotated, Government Code, Title 5. Open Government Ethics, Subchapter D., Exceptions to Requirement that Meetings be open; as per following sections:

#### **A. § 551.071. Consultation with Attorney; Closed Meeting**

A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- 1. Possible athletic/retail development in North Cleburne

#### **B. § 551.072. Deliberation Regarding Real Property; Closed Meeting**

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

- 1. Possible purchase of property for athletic/retail development in North

Cleburne

**ADJOURN: The Presiding Officer adjourned the Executive Session of Tuesday, May 12, 2015 at p.m.**

***THE PRESIDING OFFICER SHALL ANNOUNCE THE RECONVENING OF THE REGULAR MEETING SESSION.***

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

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**ADJOURNMENT**

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**ADJOURNED AT:**



City Hall is wheelchair accessible. Access to the building and special parking are available at the southeast entrance facing Chambers Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817/645-0908 or by FAX 817/556-8848 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.